

REMARKS**35 U.S.C. § 103**

The applicant respectfully disagrees with the Examiner's rejection set forth in the Final Office Action dated June 15, 2005. The claims, however, have been amended to move prosecution forward. New claims 12 and 13 have also been added. No new matter has been added.

Claims 1 and 2 were rejected as being anticipated by Bach (U.S. Patent No. 2,570, 304) in view of McClure or In 't Veld. The applicant disagrees for the reasons articulated below and in view of the amendment to claim 1.

Amended claim 1 recites a discharge riser having openings sized or spaced such that a discharge flow rate remains substantially independent of the water depth. The applicant has done substantial tests and experiments and found that the arrangement of the openings on the rise can have substantial impact on the performance of such storm water detention system. Particularly, the openings can be sized or spaced on the riser such that discharge flow rate remains independent of water depth. The ability to vary discharge flow rate by having such specifically sized and spaced openings allows control of the approach velocity of incoming storm water and promote complete settlement of suspended sediments (page 2 lines 17-20). None of the cited references teaches this limitation.

In addition, amended claim 1 recites baffles with a upper edge and a lower edge, wherein the upper edge defines a first opening and the lower edge defines a second opening.

The baffles in the Bach device is designed such that when liquids with suspended solids is introduced from the holes 15 above, the roof-like baffles help deflecting suspended solids down to the bottom of the chamber, facilitating settling of solids. The Bach device would not work if the top rims of these baffles are left open, allowing newly introduced liquids (with suspended solids) to flow into openings 31 without first settling at the bottom of the chamber.

Claims 3-11 were rejected as being anticipated by Bach (U.S. Patent No. 2,570, 304) in view of McClure (US2671057) or In't Veld (US2671057). The applicant disagrees for the reasons articulated below and in view of the amendment to claims 3 and 4.

Claim 3 now requires baffles with a upper edge and a lower edge, wherein the upper edge defines a first opening and the lower edge defines a second opening. Further, claim 3 requires each baffle to be sized or configured such that a discharge rate through the outlet remains substantially independent of the water depth. Please see discussion for claims 1 and 2.

Claim 4 now requires at least one baffle having a upper edge defining a upper opening allowing water to flow through. Please see discussion for claims 1 and 2.

With regard to the combination of Bach and Clarke, the examiner has not provided any suggestion or motivation to combine, however, even if the teachings could be combined, the combination still does not teach the element of an inlet area that increases as the fluid depth increases, the upper opening, and openings sized and shaped such that discharge rate is independent of water depth.

Request For Allowance

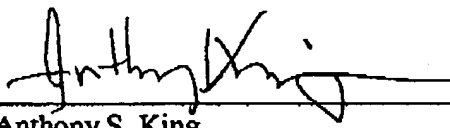
Claims 1-13 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,

Rutan & Tucker, LLP

Dated: August 31, 2005

By:


Anthony S. King
Registration No. 49,063

Attorneys for Applicant(s)
Post Office Box 1950
Costa Mesa, CA 92628-1950
Tel: (714) 641-5100
Fax: (714) 546-9035